

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER BELYA,

Plaintiff,

-against-

HILARION KAPRAL a/k/a

METROPOLITAN KAPRAL, et al.,

Defendants.

20-cv-6597 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

Defendants move to strike plaintiff Alexander Belya's counterstatement of material facts. Dkt. 149. They claim Belya's counterstatement introduces additional undisputed facts not contained in defendants' statement of material facts, is too long, and is prejudicial. *See id.* After the motion was filed, Belya filed a corrected counterstatement. For that reason, defendants' motion is DENIED as moot.

While Belya's filing is late, there is good cause to excuse the untimely filing, given that Belya corrected his filing immediately upon seeing defendants' problems with his first filing. *See United States v. Okparaekwe*, 2019 WL 4233427, at *2 (S.D.N.Y. Sept. 6, 2019) (courts may excuse untimely filing where there is good cause); *United States v. Lisi*, 2020 WL 1331955, at *1 (S.D.N.Y. Mar. 23, 2020) ("[C]ourts retain the discretion to excuse an untimely filing.").

If defendants wish to respond to the counterstatement, *see* Dkt. 149 at 5 n.2 (noting defendants "will file an appropriate response" to the corrected counterstatement), they can do so on or before November 15, 2024. But they need not repeat arguments they've already made. If the corrected filing doesn't cure the problems defendants had with the first one, they can just say that.

The Clerk of Court is requested to terminate the motion at Dkt. 149.

SO ORDERED.

Dated: November 7, 2024

New York, New York



ARUN SUBRAMANIAN
United States District Judge